

SENATE BILL NO. 201

INTRODUCED BY A. BISHOP

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE PLACEMENT OF SATELLITE TERMINALS OR AUTOMATED TELLER MACHINES ON GAMBLING PREMISES AND CERTAIN ADJACENT PROPERTY; CREATING A PENALTY FOR PLACING SATELLITE TERMINALS OR AUTOMATED TELLER MACHINES ON GAMBLING PREMISES OR CERTAIN ADJACENT PROPERTY; AND AMENDING SECTION 23-5-157, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-5-157, MCA, is amended to read:

"23-5-157. Gambling on cash basis -- automated teller machines prohibited -- penalties. (1) (a)

In every gambling activity, except raffles as authorized in 23-5-413 and card games authorized in part 3 of this chapter and normally scored using points, the consideration paid for the chance to play must be made in cash. A check or credit card may be used to obtain cash to participate in a gambling activity. A participant shall present the cash needed to play the game as the game is being played. If a check or credit card is used to obtain cash on the premises of a licensee, then it must be delivered and accepted unconditionally. A licensee or employee of a licensee may not hold a check or other evidence of indebtedness for redemption pending the outcome of a gambling activity.

(b) Credit gambling is prohibited. Credit gambling is offering or accepting as part of the price of participation in a gambling activity or as payment of a debt incurred in a gambling activity:

(i) a check or credit card held pending the outcome of a gambling activity;

(ii) a loan of any kind at any time from or on behalf of a licensee;

(iii) any form of deferred payment, including a note, IOU, ~~post-dated~~ postdated check, hold check, or other evidence of indebtedness; or

(iv) a check issued or delivered that is accepted by the licensee with the knowledge that it will not be paid by the depository.

(2) A satellite terminal or automated teller machine, as defined in 32-6-103, may not be located on a premises or on property adjacent to the premises if any person having an interest in the premises also has an interest in the adjacent property.

1 ~~(2)(3)~~ (a) A person who violates ~~this section~~ subsection (1) is guilty of a criminal offense under
2 23-5-156 and ~~must~~ shall be punished in accordance with 23-5-161 or 23-5-162.

3 (b) A person who violates subsection (2) is guilty of a misdemeanor and upon conviction shall be
4 punished in accordance with 23-5-161."

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